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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,044	08/07/2001	Amy Rene Freshour	RD-24899USA	1461

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[REDACTED]  
EXAMINER

HRUSKOCI, PETER A

[REDACTED]  
ART UNIT [REDACTED] PAPER NUMBER

1724

DATE MAILED: 10/25/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/924,044	FRESHOUR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Peter A. Hruskoci	1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 June 2002.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 20-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spei et al. in view of Moller. Spei et al. disclose (see Figure 1) the structure of the system substantially as claimed. The claims differ from Spei et al. by reciting that the system includes a water tank for receiving emulsion-free water from the mixing tank. Moller disclose (see Fig. 1) that it is known in the art to utilize a water tank for storing water that is separated from an emulsion in a mixing and separating tank. It would have been obvious to one skilled in the art to modify the system of Spei et al. by including the recited water tank in view of the teachings of Moller, to aid in storing the separated water. With regard to claim 22, it is noted that Spei et al. discloses the further treatment of the demulsified water or aqueous phase.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spei et al. in view of Moller as above, and further in view of Brown. The claim differs from the references as applied above by reciting that the oil tank is in communication with an incinerator. Brown disclose (see col. 4 lines 15-61) that it is known in the art to utilize

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waste oil separated from an oil / water separator, and stored in a collection tank, as fuel for an incinerator. It would have been obvious to one skilled in the art to modify the references as applied above by including the recited incinerator in view of the teachings of Brown, to aid in utilizing the separated oil as fuel.

4. Applicants argue that there is no teaching, suggestion, or disclosure in Spei et al. and Moller of a system for the treatment of silicone emulsion waste comprising a silicone emulsion waste reservoir; at least one mixing tank in communication with the silicone emulsion waste reservoir and the at least one chemical tank, wherein the silicone emulsion waste and chemicals are mixed in the mixing tank and the silicone emulsion waste is separated into a silicone oil laden liquid and an emulsion-free water; a water tank that receives emulsion-free water from the mixing tank; and an oil tank which receives silicone oil liquid from the mixing tank. It is submitted that the system disclosed in Spei et al. disclose the structure of the reservoir, mixing tank, chemical tank, and oil tank as recited in the instant claims. It is submitted that Moller was used to teach that it is known in the art to utilize a water tank for storing water that is separated from an emulsion in a mixing and separating tank. Furthermore, it is noted that the type of emulsion separated fails to further limit the structure of the system as recited in the instant claims, and fails to patentably distinguish the instant system over the teachings of Spei et al. and Moller as applied above.

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5. Applicants argue that there is no mention in Spei et al. of not using a metering device or a separate mix pump. It is submitted that this device and pump are not excluded from the instant claims.

6. Applicants argue that Spei et al. makes no mention of a mixing tank as recited in the present invention wherein both mixture and separation of the silicone emulsion waste occurs. It is submitted that the structure of the separation vessels disclosed in Spei et al. is capable of performing this function.

7. Applicants citation of case law has been carefully considered but is not deemed pertinent due to the different circumstances involved in the instant application.

8. Applicants argument concerning Brown are based on the propriety of the combination of Spei et al. and Moller. This combination is deemed properly applied for reasons stated above.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-after finals) and 703-872-9311 after finals.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661 .

*Peter A. Hruskoci*  
**Peter A. Hruskoci**  
**Primary Examiner**  
**Art Unit 1724**

P. Hruskoci  
October 24, 2002